

"In case the State shall resume, then, for the purpose of resuming control of the penitentiary and convicts, and for buying machinery and operating the convicts by lease, State account or contract, or part by one mode and part by others, as the Penitentiary Board or Legislature may determine, there shall be and is hereby appropriated all the proceeds and income of the penitentiary convicts and property in addition thereto, and also in addition to the \$50,000 hereinbefore appropriated, the sum of \$50,000."

Senator Chesley, chairman of Senate conference committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 2, 1883

Hon. A. W. Houston, President pro tem. of the Senate:

Your committee of conference, appointed upon the part of the Senate, to act with a like committee upon the part of the House, to consider the disagreement between the two houses upon Senate amendments to substitute House joint resolutions Nos. 4, 10, 11 and 13, to "Amend section 3, article 7, of the Constitution," beg leave to report that we have been unable to agree, and ask for free conference powers.

A. CHESLEY,
J. R. FLEMING,
J. H. MARTIN,
Senate Committee.
R. C. FOSTER,
G. C. PENDLETON,
House Committee.

On motion of Senator Chesley, report was adopted.

On motion of Senator Pope the Senate adjourned until 10 o'clock to-morrow.

SIXTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 3, 1883. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Matlock, the reading of the journal was dispensed with, and the same, adopted.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 2, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 346, entitled "An act to amend articles 396 and 398, Penal Code of the State of Texas, title 12, chapter 3," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

Senator Gibbs, for Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 331, entitled "An act amending article 96 of the Penal Code, and creating article 96a," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GIBBS, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 356, entitled "An act to amend articles 358 and 364, chapter 3, title 11, of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The object of this bill is to so change the penalty for keeping gambling houses and for gaming as to add to the punishment imprisonment in the county jail absolutely instead of the alternative. In the judgment of your committee, such a change will have the effect of greatly lessening the evil and crime growing out of these offenses, and we believe that the public sentiment at this time strongly favors such legislation.

All of which is respectfully submitted.

GIBBS, for Committee.

Bill read first time.

Senator Johnson of Collin, chairman of Committee on Agriculture, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 2, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Agriculture, to whom was referred House bill No. 283, entitled "An act to establish uniform weights per bushel for wheat, corn and other products of the State," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment: Strike out "stone coal seventy pounds," and insert "stone coal eighty pounds."

All of which is respectfully submitted.

JOHNSON of Collin, Chairman.

Bill read first time.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 355, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Madison county, and to conform the jurisdiction of the district court of said county to such change," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

This bill, introduced by the Senator from that county, is recommended favorably, because your committee are informed that the burden of sustaining the expense of so many terms of the county court is very great to the tax payers, without any proportionate corresponding benefit, the county being small and taxes already heavy.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 354, entitled "An act to repeal so much of an act entitled 'an act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Atascosa and Wilson,' passed at the present session of the Eighteenth Legislature, as relates to the county of Houston," have carefully examined the same and instruct me to report the same back with the recommendation that it do pass.

This recommendation is made by reason of a protest, signed by four hundred citizens of Houston county, against the passage of the above recited act, which, however, had become a law before the protest had been received.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 456, entitled "An act to fix the fees of the Department of State, and require the collection of the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

This bill grades corporations and requires a fee for filing a charter in proportion to the capital stock of the corporation, and makes a difference between benevolent corporations and those for purely business and speculative purposes. It also reduces the fee for commissions to officers, and makes it obligatory on them to take out such commission, and provides that the Secretary of State shall not be required to forward copies of laws to nor attest the authority of any officer who fails to take out such commission. All of which provisions your committee believe to be wise and salutary.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 226, entitled "An act to amend article 2266, chapter 4, title 38, of the Revised Civil Statutes, changing the time of filing counter affidavits in cases where the action or defense is founded upon a sworn account," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 84, entitled "An act to amend article 787, title 23, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The effect of this bill is to correct an erroneous call in the designation of the boundaries of Gillespie county, as set forth in said article 787, and your committee recommend the passage of the act, believing it to be imperatively demanded and not in conflict with any constitutional provision.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

Senator Matlock, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 5, entitled "An act to amend article 669, title 17, chapter 2, of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed February 21, 1879," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The object of this bill is to prevent any person from setting fire to any woodland or prairie not his own, and fixes a penalty therefor.

All of which is respectfully submitted.

MATLOCK, for Committee.

Bill read first time.

Senator Kleberg, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 539, entitled "An act to amend article 784, of chapter 15, title 17, of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

This bill provides for the inspection of horses, in addition to cattle, about to be shipped by a railroad or steamship company, and was recommended by the late stock convention.

All of which is respectfully submitted.

KLEBERG, for Committee.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 22, "Requiring the Governor to submit all constitutional amendments, passed by the Eighteenth Legislature, to a vote of the people, and fixing the time at which the election shall be held," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Jones introduced a bill entitled "An act to amend 'an act amendatory of title 83, and of the supplement thereto, of the Revised Civil Statutes,' approved February 28, 1883."

Referred to Committee on Public Health.

Senator Buchanan introduced a bill, "An act to exempt

students in actual attendance upon institutions of learning, and who are non-residents of the road district where such institution is situated, from road duty in such district."

Referred to Committee on Education.

Senator Matlock moved that the Senate insist upon its amendment to substitute House bill 521, "An act to amend article 4462 of the Revised Civil Statutes of the State of Texas," and ask for a conference committee of three from the Senate, to act with a like committee from the House, to settle the differences existing between the two houses.

Motion adopted, and

The Chair appointed Senators Matlock, Peacock and Buchanan as Senate committee.

The President laid before the Senate Senate resolution No. 2, "Penitentiary lease resolution."

Senator Johnston of Shelby moved that the Senate do not concur in the House amendments to said resolution.

Senator Davis moved to concur in the House amendments.

Senator Peacock moved the previous question.

Motion seconded.

Main question ordered, and

Senator Davis' motion to concur in House amendments to Senate resolution No. 2, on the leasing of the penitentiary, revoking said lease, adopted by the following vote:

YEAS—16.

Buchanan,	Gibbs,	Perry,
Chesley,	Gooch,	Shannon,
Davis,	Johnson of Collin,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,	Peacock,	

NAYS—7.

Cooper,	Kleberg,	Pfeuffer,
Johnston of Shelby,	Patton,	Pope.
Jones,		

A message was received from the House, announcing the passage of House bill No. 158, "An act to amend article 69, chapter 3, title 17, of the Penal Code of the State of Texas, as amended by an act of the Legislature, approved April 4, 1881, entitled 'an act to amend article 690, chapter 3, of the Penal Code of the State of Texas,' passed on the twenty-first day of February, 1879."

Senator Gooch moved to suspend the regular order of business and take up House concurrent resolution, fixing the time of adjournment of the Eighteenth Legislature.

Adopted by the following vote:

YEAS—19.

Buchanan,	Gooch,	Matlock,
Chesley,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pfeuffer,
Fleming,	Johnston of Shelby,	Stratton,
Fowler,	Jones,	Terrell,
Getzendaner,	Martin,	Traylor.
Gibbs,		

NAYS—6.

Cooper,	Patton,	Pope,
Kleberg,	Peery,	Shannon.

Resolution taken up and read.

Senator Pope moved a call of the Senate.

Call seconded.

Roll called.

Senate full.

Senator Gibbs offered the following amendment to House concurrent resolution:

Amend by inserting "sixteenth" instead of "ninti.."

Lost by the following vote:

YEAS—4.

Getzendaner,	Johnston of Shelby,	Patton.
Gibbs,		

NAYS—22.

Buchanan,	Houston,	Perry,
Chesley,	Johnson of Collin,	Pfeuffer,
Cooper,	Jones,	Pope,
Davis,	Kleberg,	Shannon,
Evans,	Martin,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Peacock,	Traylor.
Gooch,		

Resolution lost by the following vote:

YEAS—6.

Evans,	Johnston of Shelby,	Pope,
Gibbs,	Perry,	Shannon.

NAYS—20.

Buchanan,	Gooch,	Patton,
Chesley,	Houston,	Peacock.
Cooper,	Johnson of Collin,	Pfeuffer,
Davis,	Jones,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

Senator Peacock offered the following resolution:

Resolved by the Senate of the State of Texas, That every leave of absence granted by the Senate be and the same is hereby revoked, and that the Sergeant-at-Arms be, and he is hereby instructed to telegraph each Senator now absent from the Capital, the action of the Senate, and request their presence in the Senate at once.

Senator Traylor offered the following substitute:

Resolved, That in view of unexpected exigencies, which may defeat important legislation, each leave of absence heretofore given to any Senator is hereby revoked, to take effect Thursday morning, April 5, and the Sergeant-at-Arms is hereby ordered to communicate the substance of this resolution to such Senators, in the most expeditious manner practicable, and request their return. The expense thus incurred to be paid out of the contingent fund of the Senate.

Accepted and adopted.

Senate bill No. 280, "An act to regulate the duties of telegraph companies, and to prescribe a penalty for the violation of the same," being the special order for this hour, was taken up.

Senator Davis moved that the special order be postponed and the appropriation bill taken up.

IN COMMITTEE OF THE WHOLE.

(Senator Gooch in the chair.)

IN SENATE.

(President pro tem. in the chair.)

Senator Gooch, chairman of the committee of the whole, having under consideration the appropriation bill, rose and reported that the committee had considered the bill, and recommend that it pass, with the following amendments:

Add to the bill, under the head of "State Department," the following: "An additional amount for paying for the submission of the constitutional amendments, \$5,000."

Report of committee adopted.

Senator Jones offered the following amendment:

Amend by striking out "\$15,000" and insert "\$20,000," where it relates to the Agricultural Mechanical College.

Adopted by the following vote:

YEAS—18.

Buchanan,	Jones,	Pfeuffer,
Chesley,	Kleberg,	Pope,
Fleming,	Matlock,	Stratton,
Fowler,	Perry,	Terrell.
Gibbs,		

NAYS—11.

Cooper,	Houston,	Peacock,
Evans,	Johnson of Collin,	Shannon,
Getzendaner,	Martin,	Traylor.
Gooch,	Patton,	

Senator Peacock offered the following amendment:

Amend by adding after line 17, page 18, the following: "For the purpose of enabling the Penitentiary Board to resume control of the State penitentiaries, and operate the

same on State account alone, to February 29, 1884, \$350,000.00; to February 29, 1885, \$150,000.00."

Senators Gooch and Traylor offered the following substitute for the amendment of Senator Peacock:

"In case the State shall resume, then, for the purpose of resuming control of the penitentiaries and convicts, and for buying machinery and operating the convicts by lease, State account or contract, or part by one mode and part by others, as the Penitentiary Board or Legislature may determine, there shall and is hereby appropriated all the proceeds and income of the penitentiary convicts and property in addition thereto, and also in addition to the \$50,000 hereinbefore appropriated, the sum of \$50,000."

Senator Matlock moved the previous question on amendment, substitute and passage of the bill.

Motion lost by the following vote:

YEAS—7.

Buchanan,	Johnston of Shelby,	Matlock,
Cooper,	Kleberg,	Pope.
Fowler,		

NAYS—19.

Chesley,	Houston,	Perry,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Jones,	Shannon,
Fleming,	Martin,	Stratton,
Getzendaner,	Patton,	Terrell,
Gibbs,	Peacock,	Traylor.
Gooch,		

Senator Traylor moved the previous question on amendment and substitute.

Lost by the following vote:

YEAS—8.

Chesley,	Houston,	Shannon,
Evans,	Jones,	Traylor.
Gibbs,	Kleberg,	

NAYS—18.

Buchanan,	Gooch,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Davis,	Johnston of Shelby,	Pfeuffer,
Fleming,	Martin,	Pope,
Fowler,	Matlock,	Stratton,
Getzendaner,	Patton,	Terrell.

The substitute of Senators Gooch and Traylor lost by the following vote:

YEAS—9.

Chesley,	Gibbs,	Martin,
Davis,	Gooch,	Shannon,
Fowler,	Johnson of Collin,	Traylor.

NAYS—17.

Buchanan,	Johnston of Shelby,	Perry,
Cooper,	Jones,	Pfeuffer,
Evans,	Kleberg,	Pope,
Fleming,	Matlock,	Stratton,
Getzendaner,	Patton,	Terrell,
Houston,	Peacock,	

Senator Gooch offered the following substitute for the amendment of Senator Peacock:

"In case the State shall resume, then, for the purpose of resuming control of the penitentiaries and convicts, and for buying machinery, material and operating the convicts by lease, State account or contract, or part by one mode and part by the others, as the Legislature may determine, or in the absence of specific direction by law, then as the Penitentiary Board may determine, there shall be and is hereby appropriated out of the proceeds and income of the penitentiary convicts and property for each year \$350,000, and out of the general revenue each year \$50,000."

(Senator Johnston of Shelby in the chair.)

A message was received from the House announcing the passage of House bill No. 543, "An act authorizing cities on the coast of Texas, having a population of over 20,000 inhabitants, to issue bonds for harbor improvements, and to levy a tax to pay for the same."

Also, the following:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 3, 1888.

Mr. President:

I am instructed to inform your honorable body that the House has declined to accede to the request of the Senate for the appointment of a committee of free conference on the differences between the two houses on House amendments to Senate bill No. 269, and ask for a conference committee on the disagreements of the two houses on said bill, and the following members have been appointed on the part of the House as said conference committee, viz.: Messrs Foster of Limestone, Browning, Moore of Eastland, Caven and Robinson of Jack.

Respectfully,

J. W. BOOTH,
Chief Clerk.

Senator Fleming moved a call of the Senate.

Call sustained.

Roll called. Absent, Senators Cooper and Pope.

Pending business went to the table.

On motion of Senator Houston, the Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

The substitute amendment of Senator Gooch to appropriation, making appropriation for running the penitentiary, pending upon adjournment was taken up.

Senator Gooch moved a call of the Senate.

Call seconded.

Roll called.

Absent, Senators Cooper, Evans and Stratton.

Pending business went to the table under the call.

The following House bills were referred to committees.

House bill No. 543, "An act authorizing cities on the coast of Texas having a population of over twenty thousand inhabitants to issue bonds for harbor improvements and to levy a tax to pay for the same," to Committee on State Affairs.

House bill No. 158, "An act to amend article 69, chapter 3, title 17, of the Penal Code of the State of Texas, as amended by an act of the Legislature, approved April 4, 1881, entitled 'an act to amend article 690, chapter 3, of the Penal Code of the State of Texas,' passed on the twenty-first day of February, 1879," to Judiciary Committee No. 2.

Senator Davis introduced a bill, "An act to make appeals and writs of errors from Grayson county returnable to the terms of the Supreme Court and Court of Appeals at Tyler."

Referred to Judiciary Committee No. 1.

Senator Gooch moved that a conference committee be appointed to act with a like committee from the House to settle the disagreements existing between the two Houses on Senate bill No. 269, "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb, and orphan asylum funds," the House refusing to appoint a free conference committee.

Adopted, and

The Chair appointed Senators Gooch, Matlock, Fleming, Gibbs and Shannon on said committee.

The President signed substitute House bill No. 384, "An act for the protection of the wool growing interest of the State of Texas."

Senator Jones moved to suspend the regular order of business, and take up substitute House bills Nos. 101, 143, 181, 216, 372, 375 and 391, "An act to amend articles 3759,

3762, 3766 and 3768, and to repeal article 3758, of chapter 3, title 78, of the Revised Civil Statutes of the State of Texas."

Bill taken up and read second time.

Senator Davis offered the following amendment:

Strike out article 3768 and insert:

Art. 3768. A teacher's certificate shall be valid in the county where issued; but if the applicant desires to teach in any other county he shall be examined as in other cases, and if found to be qualified, his certificate shall be approved; but no fee shall be charged for any such subsequent examination. A teacher's certificate may be cancelled for drunkenness, or other good cause.

Senator announced full, and the further consideration of this bill postponed.

(Senator Johnston of Shelby in the chair.)

Senator Peacock, by unanimous consent, withdrew his amendment pending this morning and substituted the following:

"To enable the State to resume control of the penitentiaries and operate them on State account, and to confine as many convicts as practicable within the walls \$350,000 each year."

Senators Traylor and Gooch renewed their amendment, pending on adjournment, as follows:

"In case the State shall resume, then, for the purpose of resuming control of the penitentiaries and convicts, and for buying machinery and operating the convicts by lease, State account, or contract, or part by one mode and part by others, as the Penitentiary Board or Legislature may determine, there shall and is hereby appropriated all the proceeds and income of the penitentiaries, convicts and property, and in addition thereto, and also in addition to the \$50,000 herein before appropriated, the sum of \$50,000."

Lost by the following vote:

YEAS—12.

Chesley,	Gibbs,	Shannon,
Davis,	Gooch,	Stratton,
Evans,	Johnson of Collin,	Terrell,
Fowler,	Martin,	Traylor.

NAYS—14.

Buchanan,	Johnston of Shelby,	Peacock,
Cooper,	Jones,	Perry,
Fleming,	Kleberg,	Pfeuffer,
Getzendaner,	Matlock,	Pope.
Houston,	Patton,	

Senator Davis moved to amend by striking from the amendment of Senator Peacock the words "on State account."

Lost by the following vote:

YEAS—12.

Chesley,	Gibbs,	Patton,
Cooper,	Gooch,	Shannon,
Davis,	Johnson of Collin,	Stratton,
Fowler,	Martin,	Traylor.

NAYS—14.

Buchanan,	Johnston of Shelby,	Perry,
Evans,	Jones,	Pfeuffer,
Fleming,	Kleberg,	Pope,
Getzendaner,	Matlock,	Terrell.
Houston,	Peacock,	

Senator Gibbs offered the following amendment:

Amend by striking out "State account," and insert "as is or may be provided by law."

Lost by the following vote:

YEAS—13.

Chesley,	Gooch,	Shannon,
Cooper,	Johnson of Collin,	Stratton,
Davis,	Martin,	Terrell,
Fowler,	Patton,	Traylor.
Gibbs,		

NAYS—13.

Buchanan,	Johnston of Shelby,	Peacock,
Evans,	Jones,	Perry,
Fleming,	Kleberg,	Pfeuffer,
Getzendaner,	Matlock,	Pope.
Houston,		

Senator Gooch moved to amend the pending amendment as follows:

"And any additional amount above that sum that may be derived from the operating the penitentiaries and convicts."

Lost by the following vote:

YEAS—7.

Cooper,	Martin,	Terrell,
Gibbs,	Perry,	Traylor.
Gooch,		

NAYS—19.

Buchanan,	Houston,	Patton,
Chesley,	Johnson of Collin,	Peacock,
Davis,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Pope,
Fleming,	Kleberg,	Shannon,
Fowler,	Matlock,	Stratton.
Getzendaner,		

Senator Johnston of Shelby moved the previous question on pending amendment.

Motion seconded and main question ordered.

The amendment of Senator Peacock was adopted by the following vote:

YEAS—16.

Buchanan,	Houston,	Peacock,
Cooper,	Johnston of Shelby,	Perry,
Evans,	Jones,	Pfeuffer,
Fleming,	Kleberg,	Pope,
Fowler,	Matlock,	Terrell.
Getzendaner,		

NAYS—10.

Chesley,	Johnson of Collin,	Shannon,
Davis,	Martin,	Stratton,
Gibbs,	Patton,	Traylor.
Gooch,		

Senator Terrell assigns the following reasons for voting "aye" on the last amendment:

I vote "aye," believing that the lease system will not be again resorted to even should the law permitting it be not changed.

TERRELL.

Senator Davis offered the following amendment:

On page 3, under head of the Treasury Department, reduce the salaries of the clerks and book-keepers so as to make them the same as in the general appropriation bill passed in 1881, and under the head of State Department and Comptrollers Office, reduce all salaries so as to conform to the appropriation bill of 1881.

Senator Terrell offered the following substitute for Senator Davis' amendment:

Change the amount appropriated for compensation for clerks, so as to conform to the reports of the Finance Committee of the Senate.

Adopted as substitute by the following vote:

YEAS—14.

Chesley,	Johnson of Collin,	Pope,
Davis,	Martin,	Shannon,
Fowler,	Peacock,	Terrell,
Getzendaner,	Perry,	Traylor.
Gibbs,	Pfeuffer,	

NAYS—12.

Buchanan,	Gooch,	Kleberg,
Cooper,	Houston,	Matlock,
Evans,	Johnston of Shelby,	Patton,
Fleming,	Jones,	Stratton.

Senator Chesley offered the following amendment to pending amendment:

Amend by excepting the salary of the first patenting clerk in General Land Office, which salary shall be \$1400. Senator Gibbs moved a call of the Senate.

Called sustained.

Roll called. Senate full.

Senator Jones moved the previous question on the pending amendments.

Motion seconded, and main question ordered.

Senator Chesley's amendment lost by the following vote:

YEAS—10.

Chesley,	Martin,	Shannon,
Davis,	Patton,	Terrell,
Getzendaner,	Peacock,	Traylor.
Gibbs,		

NAYS—16.

Buchanan,	Houston,	Matlock,
Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Fleming,	Jones,	Pope,
Fowler,	Kleberg,	Stratton.
Gooch,		

Senator Terrell's amendment was lost by the following vote:

YEAS—12.

Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Martin,	Shannon,
Getzendaner,	Peacock,	Terrell,
Gibbs,	Perry,	Traylor.

NAYS—14.

Buchanan,	Gooch,	Matlock,
Chesley,	Houston,	Patton,
Cooper,	Johnston of Shelby,	Pope,
Fleming,	Jones,	Stratton.
Fowler,	Kleberg,	

Senator Davis moved to amend by striking out line 20, page 6.

Lost by the following vote:

YEAS—4.

Davis,	Perry,	Traylor.
Johnson of Collin,		

NAYS—22.

Buchanan,	Gooch,	Patton,
Chesley,	Houston,	Peacock,
Cooper,	Johnston of Shelby,	Pfeuffer,
Evans,	Jones,	Pope,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell.
Gibbs,		

Senator Gibbs offered the following amendment:

Amend by striking out lines 20 and 21, page 11, appropriating \$59,046 for Deaf and Dumb Institute and insert: "For tearing down frame buildings and building a brick wing to main building of Deaf and Dumb Institute, \$25,000."

Lost by the following vote:

YEAS—11.

Cooper,	Getzendaner,	Peacock,
Davis,	Gibbs,	Shannon,
Evans,	Johnson of Collin,	Traylor.
Fowler,	Patton,	

NAYS—15.

Buchanan,	Johnston of Shelby,	Perry,
Chesley,	Jones,	Pfeuffer,
Fleming,	Kleberg,	Pope,
Gooch,	Martin,	Stratton,
Houston,	Matlock,	Terrell.

Senator Traylor offered the following amendment:

On page 4, under head of Comptroller's Department, strike out "\$1800.00 salary" where it occurs, and insert "\$1500.00."

(The President pro tem. in the chair.)
Lost by the following vote:

YEAS—10.

Chesley, Davis, Evans, Fowler,	Getzendaner, Johnson of Collin, Martin,	Perry, Pfeuffer, Traylor.
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NAYS—16.

Buchanan, Cooper, Fleming, Gibbs, Gooch, Houston,	Johnston of Shelby, Jones, Kleberg, Matlock, Patton,	Peacock, Pope, Shannon, Stratton, Terrell.
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Senator Davis offered the following amendment:
Strike out from line 20, page 18, to line 5, page 19.
Lost by the following vote:

YEAS—10.

Cooper, Davis, Evans, Getzendaner,	Gibbs, Gooch, Johnson of Collin,	Perry, Pfeuffer, Traylor.
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NAYS—15.

Buchanan, Chesley, Fleming, Fowler, Johnston of Shelby,	Jones, Kleberg, Martin, Matlock, Patton,	Peacock, Pope, Shannon, Stratton, Terrell.
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Senator Gibbs offered the following amendment:
Strike out lines 20, 21, 22, 23 and 24, page 18, making appropriation of \$20,000 for purchase of the Alamo.
Lost by the following vote:

YEAS—8.

Cooper, Davis, Evans,	Fowler, Getzendaner, Gibbs,	Johnson of Collin, Traylor.
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NAYS—17.

Buchanan, Chesley, Fleming, Gooch, Houston, Johnston of Shelby	Jones, Kleberg, Martin, Matlock, Peacock, Perry,	Pfeuffer, Pope, Shannon, Stratton, Terrell.
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Senator Peacock offered the following amendment:
Amend by adding after line 21, page 14, the following:
"Less the appropriations for the support, maintenance and improvement of the Agricultural and Mechanical College, the Sam Houston Normal School and the Prairie View School, except as to such sums as are appropriated out of special funds."

Lost by the following vote.

YEAS—5.

Cooper, Davis,	Evans, Peacock,	Traylor.
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NAYS—21.

Buchanan, Chesley, Fleming, Fowler, Getzendaner, Gibbs, Gooch,	Houston, Johnson of Collin, Johnson of Shelby, Jones, Kleberg, Martin, Matlock,	Patton, Perry, Pfeuffer, Pope, Shannon, Stratton, Terrell.
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Senator Traylor offered the following amendment:

On page 11, line 21, strike out "\$59,000," and insert "\$30,000." In line 24, strike out "\$3000," and insert "\$1500."

Lost by the following vote:

YEAS—12.

Cooper, Davis, Evans, Getzendaner,	Gibbs, Gooch, Houston, Johnson of Collin,	Jones, Perry, Pfeuffer, Traylor.
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NAYS—14.

Buchanan, Chesley, Fleming, Fowler, Johnston of Shelby,	Kleberg, Martin, Matlock, Patton, Peacock,	Pope, Shannon, Stratton, Terrell.
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Senator Gibbs offered the following amendment:

Strike out line 25, page 16, the appropriation of fifteen thousand dollars to buy a steam tug for quarantine purposes.

Lost by the following vote:

YEAS—10.

Davis, Getzendaner, Gibbs, Houston,	Johnson of Collin, Martin, Patton,	Peacock, Perry, Traylor.
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NAYS—16.

Buchanan, Chesley, Cooper, Evans, Fleming, Fowler,	Gooch, Johnston of Shelby, Jones, Kleberg, Matlock,	Pfeuffer, Pope, Shannon, Stratton, Terrell.
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Senator Davis offered the following amendment:

Amend by adding under miscellaneous: "For procuring standard weights and measures of the United States for distribution among the several counties, in accordance with chapter 98 of the Revised Statutes, \$5000."

Lost by the following vote:

YEAS—7.

Cooper, Davis, Gibbs,	Jones, Patton,	Pope, Shannon.
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NAYS—19.

Buchanan, Chesley, Evans, Fleming, Fowler, Getzendaner, Gooch,	Houston, Johnson of Collin, Johnson of Shelby, Kleberg, Martin, Matlock,	Peacock, Perry, Pfeuffer, Stratton, Terrell, Traylor.
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Senator Terrell moved to reconsider the vote just cast.

The Senate refused to reconsider.

Senator Gibbs offered the following amendment:

Amend line 25, page 16, by adding so as to read as follows:

"Between epidemics the said steam tug is to be at the service of State officers for fishing excursions, on invitation of Senator from Galveston district."

Ruled out of order.

Senator Davis offered the following amendment:

Strike out from line 26, page 6, to line 3, page 7.

Lost by the following vote:

YEAS—11.

Cooper, Davis, Evans, Getzendaner,	Gibbs, Houston, Johnson of Collin, Peacock,	Perry, Pfeuffer, Shannon.
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NAYS—14.

Buchanan, Chesley, Fleming, Fowler, Gooch,	Johnston of Shelby, Jones, Kleberg, Martin, Matlock,	Pope, Stratton, Terrell, Traylor.
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Senator Traylor offered the following amendment:

Strike out, on page 19, lines 3 and 4, "for the erection of a monument over the graves of the Dawson heroes, \$1000.00."

Lost.

Senator Davis moved to strike out line 17, page 7.

Lost.

Bill passed to third reading by the following vote:

YEAS—16.

Buchanan,	Johnston of Shelby,	Pfeuffer,
Chesley,	Jones,	Pope,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Gooch,	Matlock,	Traylor.

NAYS—10.

Cooper,	Gibbs,	Peacock,
Davis,	Johnson of Collin,	Perry,
Evans,	Patton,	Shannon.
Getzendaner,		

On motion of Senator Matlock, the rules were suspended to put the bill on its third reading, by the following vote:

YEAS—25.

Buchanan,	Gooch,	Peacock,
Chesley,	Houston,	Perry,
Cooper,	Johnston of Shelby,	Pfeuffer,
Davis,	Jones,	Pope,
Evans,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.
Gibbs,		

NAYS—1.

Johnson of Collin.

Bill passed by the following vote:

YEAS—16.

Buchanan,	Johnston of Shelby,	Pfeuffer,
Chesley,	Jones,	Pope,
Evans,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Gooch,		

NAYS—10.

Cooper,	Houston,	Peacock,
Davis,	Johnson of Collin,	Perry,
Getzendaner,	Patton,	Shannon.
Gibbs,		

The following reasons were assigned for the vote on the passage of the bill:

I vote "no," on the passage of the general appropriation bill, being House bill No. 394:

1. Because of its general and unnecessary extravagance.
2. Because the appropriation for the purchase of the Alamo and some other appropriations therein are unconstitutional and a perversion of public moneys.
3. Because the amount and conditions of the item for the support of the penitentiaries makes the bill a campaign document for a minority of the Democratic party, and attempts to legislate in such bill contrary to law.

GIBBS.

On the House general appropriation bill, I vote "aye," notwithstanding there are many items which I regard extravagant and unnecessary. I do so in order to secure a conference of the two houses, with a hope that it will correct its errors. Or if this be not done, the Governor can veto one or more items and leave the balance standing, while we cannot vote except for or against the whole bill.

JOHN YOUNG GOOCH.

I vote "aye," for the reason that in a conference committee there will probably be an opportunity to reduce the extravagant additions to the appropriation bill made by the Senate, and for the further reason that I had promised the friends of the bill to vote for it if they would consent to recommit it and give its opponents an opportunity to amend it; and for the additional reason that a failure to pass the appropriation bill would embarrass seriously the operations of the State government.

TRAYLOR.

Senator Fleming, for conference committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

Your free conference committee, composed of members of the Senate and House of Representatives, appointed and selected to adjust the differences between the two Houses of the Eighteenth Legislature, arising under the consideration of substitute for House joint resolutions Nos. 4, 10, 11 and 13, beg leave to report that they have, in accordance with the spirit of the resolution under which they were selected, met together and agreed upon the accompanying substitute as a compromise, and respectfully recommend the adoption of the same by the Legislature.

All of which is respectfully submitted.

J. R. FLEMING,
J. A. MARTIN,
A. CHESLEY,
Senate Committee.
GEO. C. PENDLETON,
R. C. FOSTER,
L. L. FOSTER,
House Committee.

On motion of Senator Gooch, the report, with committee substitute, were ordered printed and made special order for Saturday next.

Senator Terrell, chairman of Judiciary Committee No. 1, by consent, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 3, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 288, entitled "An act to amend article 2403, chapter 3, title 42, of the Revised Civil Statutes of the State of Texas, relating to commissions of county treasurers," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do pass, with the following amendment: "Provided, that such increased compensation shall be paid out of the general revenues of the county."

The purpose of the bill is to allow the commissioners' courts, in counties where the commissions of the treasurer are less than \$400, to make up the difference out of the general revenue. The necessity of such legislation arises from the fact that there is danger that in some counties the office of treasurer will become vacant, as your committee are informed that in one county, in which the treasurer's bond is fixed at \$40,000, the office is now vacant because no one can be found to take the office for the meagre compensation allowed by the law as it now stands.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

A message was received from the House announcing the passage of the following bills and resolutions:

Substitute House bill No. 225, "An act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State engineer and his secretary, and their salaries and duties," etc.

Senate concurrent resolution No. 25, "Requesting Texas Senators and Representatives to secure division of work on on the Texas coast in two or more districts, and for additional engineer officers."

Substitute House bill No. 285, "An act to amend article 1075, chapter 3, title 15, of the Code of Criminal Procedure of the State of Texas, relating to the fees and compensation of county judges in criminal cases."

Senate bill No. 347, "An act to amend articles 1006, 1007 and 1008, of the Revised Civil Statutes of the State of Texas," approved February 21, 1879.

Senate bill No. 177, "An act to amend article 577, chapter 3, title 20, of the Revised Statutes by adding thereto section 9," with House amendments.

On motion of Senator Gooch, the Senate adjourned till 10 o'clock a. m. to-morrow.